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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CAL/EPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, MARCH 16, 2009

1:30 P.M.

TIFFANY C. KRAFT, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Ms. Sheila Kuehl

Ms. Margo Reid Brown

BOARD MEMBER ALSO PRESENT

Mr. John Laird

STAFF

Mr. Mark Leary, Executive Director

Ms. Rubia Packard, Chief Deputy Director

Mr. Terry Brennan, Supervisor, Section 2 North

Mr. Raffy Kouyoumdjian, Staff

Mr. Frank Simpson, Supervisor, Jurisdiction Compliance &
Audit

Ms. Barbara Strough, Supervisor, Waste Tire Enforcement
Grant Program

Ms. Lorraine Van Kekerix, Division Chief, Compliance
Evaluation and Enforcement Division

ALSO PRESENT

Mr. Rick Seanor, City of Ukiah

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good afternoon, everyone.

3 Welcome to the March meeting of the Permitting and
4 Compliance Committee.

5 We have agendas and speaker slips on the back
6 table. And if you would like to address our Committee,
7 please fill out a slip and bring it up to Donnell.

8 Also I'd like to ask everybody to turn off or put
9 in the silent mode your cell phones and pagers.

10 And with that, Donnell, would you please call the
11 roll?

12 EXECUTIVE ASSISTANT DUCLO: Brown?

13 COMMITTEE MEMBER BROWN: Here.

14 EXECUTIVE ASSISTANT DUCLO: Kuehl?

15 COMMITTEE MEMBER KUEHL: Here.

16 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

17 CHAIRPERSON MULÉ: Here.

18 Ex partes?

19 I just have one. I spoke to John Cupps on used
20 motor oil.

21 So with that, let's move to our Director's
22 report.

23 Howard, I know you don't have anything for us
24 today. But Lorraine is here filling in for Ted. Thank
25 you, Lorraine. Good afternoon.

1 DEPUTY DIRECTOR VAN KEKERIX: We also do not have
2 anything for the Program Director's report today.

3 CHAIRPERSON MULÉ: That's fine. Let's move into
4 our agenda.

5 Please note that Board Item 2, Committee Item C,
6 will be heard at the full Board on March 24th.

7 So with that, let's move to Item B, Lorraine.

8 DEPUTY DIRECTOR VAN KEKERIX: Item B, is
9 Consideration of the Grant Awards for the Waste Tire
10 Enforcement Grant Program, Tire Recycling Management Fund,
11 Fiscal Year 2008-2009.

12 Barbara Strough will be making the presentation
13 with Jim Lee adding as necessary.

14 (Thereupon an overhead presentation was
15 presented as follows.)

16 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR
17 STROUGH: Good afternoon.

18 Am I on now?

19 Good afternoon. My name is Barbara Strough. I'm
20 the Supervisor of the Waste Tire Enforcement Grant
21 Program.

22 To my left, your right, in the front row, green
23 sweater, is Sophia Mercado. She is the grant manager who
24 has daily interaction with our grantees that receive this
25 money.

1 --o0o--

2 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

3 STROUGH: What do I point at?

4 The Waste Tire Enforcement Grant Program is an
5 annual program that provides grants to local governments
6 for the enforcement of waste and used tire permitting
7 movement and storage laws and regulations. This program
8 has been in existence for more than ten years, has been a
9 very successful program, and complementary to the Board's
10 efforts to make enforcement in the local government areas.

11 --o0o--

12 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

13 STROUGH: The program supports the enforcement component
14 and the cleanup component of the Five-Year Plan.

15 And the budget for enforcement and regulation is
16 \$9.3 million, 6.75 of which is available for Cycle 16,
17 which is the Tire Enforcement Grant Program, to begin June
18 30th of this year.

19 --o0o--

20 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

21 STROUGH: When we give award to our grantees, they support
22 the Five-Year Plan objectives of inspecting tire
23 businesses for compliance with applicable laws and
24 regulations as well as identify and investigate illegal
25 tire sites and enforcing the laws and regulations to bring

1 noncompliant businesses into compliance.

2 --o0o--

3 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

4 STROUGH: The criteria for this item is generally done on
5 a two-year cycle. And there were no changes in the
6 program criteria from the last cycle.

7 We do plan on coming before the Board in the
8 springtime or early summer to bring more different
9 criteria for this program.

10 We are currently using the program that was
11 approved by the Board in October of 2007.

12 --o0o--

13 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

14 STROUGH: As I said earlier, the program has been in
15 existence for more than ten years. It began in '94 and
16 '95. And participation as well as awards and statewide
17 coverage has increased continually since the pilot program
18 in the first year.

19 --o0o--

20 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

21 STROUGH: The Notice of Funding Availability, referred to
22 as the NOFA, was distributed in August of 2008 to current
23 grantees as well as local enforcement agencies. Even
24 those who had not been in the program received
25 information. Again, we're continuing to try to solicit

1 more participation from local governments.

2 The NOFA was also posted on our website. So it
3 was available to anybody who happened to be surfing by.

4 We did do a targeted outreach to San Diego
5 County. That has been an ongoing outreach for a couple of
6 years.

7 --o0o--

8 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

9 STROUGH: For this Cycle 16 program, we received 39
10 applications. None of the applicants were disqualified.
11 And our lobbying efforts were successful. San Diego
12 County was a new applicant for this year. We're happy
13 about that.

14 --o0o--

15 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

16 STROUGH: We did have some grantees in our current year
17 program that did not submit by the appropriate time line
18 applications for the next cycle. That was Mendocino,
19 Marin, and San Luis Obispo County.

20 We did contact them and make an offer to extend
21 the current year grant into the next year. No additional
22 money, but to allow them to spend any unused money in the
23 next cycle. San Luis Obispo and Marin have both accepted
24 the offer. Mendocino County is still considering.

25 --o0o--

1 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

2 STROUGH: We did receive applications for over \$8 million
3 from the 39 grantees -- or applicants. We only have 6.75
4 to award. Therefore, we were oversubscribed in the grant
5 program for the next cycle.

6 --o0o--

7 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

8 STROUGH: Costs that are eligible within this grant
9 program include labor or personnel hours of local
10 governments, as well as materials and supplies they might
11 need to perform the eligible activities, equipment that
12 they might need to do the work in the field, as well as
13 travel, lodging, transportation, per diem.

14 And this is one of the few programs that the
15 Board has that allows vehicle purchases and also the
16 mileage of existing cars can be reimbursed at the
17 State-approved rate.

18 --o0o--

19 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

20 STROUGH: We did an initial review of the applications,
21 corrected some math errors, deducted clearly ineligible
22 items and unallowable costs. Or in discussions, we talked
23 to most of the grantees or most of the applicants, and
24 there were times when applicants told us, "We shouldn't
25 have claimed that or shouldn't have put that in the

1 budget. Please take that out."

2 We also identified duplicative, excessive, and
3 unreasonable items and costs that were in excess of
4 allowed maximums.

5 --o0o--

6 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

7 STROUGH: Even after making those deductions, we were
8 still in excess of the 6.75 million that we could award.
9 Therefore, we did have to make additional cuts based upon
10 Board-approved criteria.

11 I will note, however, that all of the recommended
12 awards for the Cycle 16 are in excess of what the grantees
13 actually spent in the last completed cycle. So it's still
14 more than they actually spent for that would be cycle 14,
15 which ended last June 30th.

16 --o0o--

17 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

18 STROUGH: Our recommendation to the Board is that you
19 approve the Option Number 1, the award of 6,749,989
20 million to 39 applicants and that you approve Resolution
21 Number 2009-43.

22 And that's the end of my presentation. However,
23 after we put the presentation together, some additional
24 questions came up that my supervisor, Jim Lee, would like
25 to address.

1 DEPUTY DIRECTOR LEE: Good afternoon, Madam Chair
2 and Committee members.

3 I'm Jim Lee, the Manager of the Tire Enforcement
4 Branch.

5 Tracey, if you'll pull up that second PowerPoint
6 presentation.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 DEPUTY DIRECTOR LEE: What I wanted to bring to
10 your attention, I guess we received some questions about
11 some of the deductions that were made and the
12 oversubscription and if there were any options that needed
13 to be brought to the Committee's attention regarding that
14 situation.

15 In the first slide, we've basically determined
16 some of the cuts that were made were in areas where
17 arguably these were eligible expenditures. The cuts were
18 made in these areas where we had in some situations
19 inordinately high report writing costs. Again, we give a
20 recommendation of a certain number of hours that are
21 needed to prepare the necessary mid and final year
22 reports, and some were considerably in excess of that.

23 We had other situations where we had multiple
24 staff were being requested to attend training. That
25 training is always a very desirable goal and objective.

1 But, again, when we're looking to allocate the money among
2 39 or 40 deserving grantees and also follow the Board's
3 criteria, we felt that some of these requests for multiple
4 staff attendance could be cut, under the circumstances.

5 Similarly, we had a request in one or two
6 situations for moneys for a media outreach. Again, as we
7 expressed to the Board before, the areas where we feel we
8 need to have emphasis in this program are not on media
9 outreach, but in basically getting out in the field and
10 doing the inspections and the follow-up surveillance and
11 enforcement that's required.

12 So these were cuts, you know, that the staff made
13 pursuant to what we perceive as Board direction. They are
14 approximately \$115,000.

15 --o0o--

16 DEPUTY DIRECTOR LEE: Then we have another group
17 of costs, which again are arguably eligible under the way
18 that the criteria were written. However, staff really had
19 to look askance at the funding for these particular items,
20 and we want to bring it to the Board's attention.

21 For example, we had request for surveillance
22 cameras. Even though the Board does provide a separate
23 line item, \$300,000 per year, with an ARB contract to
24 provide these particular services and these equipment.
25 And right now, again as has been the situation, you know,

1 this particular contract and this equipment is not being
2 utilized the way it should. We have no requests coming in
3 from the grantees that were requesting equipment to
4 utilize the ARB material.

5 Similarly, we have some of the grantees that are
6 in our program also wear multiple hats. They have other
7 law enforcement type of responsibilities. And in some
8 situations, staff felt that the Board was being asked to
9 inordinately provide support for areas and for equipment
10 and services that aren't needed in order to perform their
11 functions as a waste tire grantee. These include things
12 like police radios, night vision scopes, among other
13 things.

14 We also had a situation where we had some
15 grantees that were proposing to do a very large number of
16 inspections, which on the face of it is highly desirable.
17 However, their past track record indicated a documented
18 inability to perform anywhere near the level of
19 inspections they were proposing to do. So again, you
20 know, prudence suggested that that needed to be pruned
21 back.

22 --o0o--

23 DEPUTY DIRECTOR LEE: In the same category, we
24 had again requests coming in to do follow-up inspections
25 on NOVs that exceeded by a large amount what is considered

1 an average, about ten percent. So again we appreciated
2 and applauded their desires to do more work. But again
3 the documentation didn't support what they wanted to do.

4 Vehicle purchases. Barbara has already mentioned
5 the fact that vehicle purchases are allowed. But in this
6 particular case, we had requests for vehicle purchases
7 that came in from one grantee that just had a vehicle last
8 year. Another one that came from a grantee that we bought
9 a vehicle for two years ago. And another one that was
10 kind of new to the program that wanted to kind of start
11 off the program with a new vehicle. We felt again pruning
12 these areas was desirable.

13 And then finally, another category of
14 expenditures that talked about a particular grantee wanted
15 some tasers. Now, I'll be the first to admit we probably
16 got some waste tire generators that probably deserved to
17 be tased. But this is not the kind of thing that we want
18 to be giving to our grantees to take care of. So again,
19 we pruned these types of expenditures from the budget.

20 When you add up these numbers that are in this
21 second category of expenditure, you have about \$370,000,
22 give or take. And I said this is an approximation,
23 because the way that the grant is structured if you make
24 changes in the overall grant award and because of the fact
25 that some of these line items are based on proportions of

1 the total grant award, you can have again other numbers
2 being effected. And there could be upwards of an
3 additional 45 to \$90,000 that we would have to go back and
4 look at. If the Board decided they wanted to go with the
5 first category of expenditures of 115 and/or the second
6 category of expenditures at 370, there could be still an
7 additional 45 to 90 that might still come into play.

8 So the bottom line is if the request to us is to
9 propose options for anything that might be under any
10 circumstances grant eligible, you're looking at probably
11 an additional 400 to \$450,000 that would need to be made
12 available.

13 Staff's recommendation remains as what we have
14 put in the original item, which is to fund the 6.75
15 million, which is the standard allocation.

16 The problem with this program continues to be the
17 grantee's under-expenditure of the allocations that are
18 being made. Even in grant cycle 15, which is current
19 year, expenditures through the first half of the year are
20 about 28 percent of the total that -- ideally, half the
21 years is over. You would expect to see half the money's
22 gone. Right now, they're at 28 percent. So I cannot come
23 to the Committee this afternoon and tell you that the
24 changes we made in the criteria, which we thought were
25 going to address this under-expenditure problem, are

1 having the desired effect yet. So under those
2 circumstances, staff would not be making recommendations
3 to the Board for funding anything in excess of the 6.75
4 million.

5 That concludes the discussion I have on those
6 matters, Madam Chair.

7 CHAIRPERSON MULÉ: Thanks, Jim.

8 And thank you, Barbara, for a great presentation.

9 Do we have any questions for staff? Sheila.

10 And before I forget, I do want to recognize our
11 other Board member, John Laird. Thank you for being here.
12 Appreciate your presence. Thanks.

13 COMMITTEE MEMBER KUEHL: I just had a question,
14 because I'm not certain what this category means in one of
15 the attachments that showed when we were told that the
16 total amount awarded had been increasing over the years
17 and we were referred to a chart in the materials. And one
18 of the categories in the chart is percent of businesses
19 covered by grantees. What does that mean?

20 DEPUTY DIRECTOR LEE: Board Member Kuehl,
21 basically, we look at tire entities. These can be either
22 waste tire generators, things like used tires shops, the
23 Goodyear, the Costco that sells tires. There's some 20
24 or -- 20,000 plus of those statewide. There's probably
25 eleven to 1200 of waste tire haulers. They're another

1 category of tire entity. And finally you have end use
2 facilities, the processing plants or landfills, where
3 waste tires ultimately end up or are processed.

4 In total, the local grantee, the local
5 jurisdiction grantees, cover about 80 percent of that
6 total. The remaining 20 is covered by State staff as time
7 permits.

8 COMMITTEE MEMBER KUEHL: Thank you.

9 CHAIRPERSON MULÉ: Chair Brown.

10 COMMITTEE MEMBER BROWN: Nothing. I was just
11 going to mention, Jim and Barbara, thank you very much.

12 Considering that we did express an interest in
13 increasing the amount of enforcement statewide so we had
14 more of the state covered, I think you've done an
15 excellent job in looking very carefully at the
16 expenditures and seeing where we can try to get more
17 grantees or applicants into the program to have more of
18 the state covered than we previously did. So I'd like to
19 applaud your efforts in that.

20 And you know, I support a cost shaving measures
21 that you've taken out. I don't think we need to be buying
22 tasers or warning lights. I don't see that as a law
23 enforcement challenge for waste tire disposal or dumping.

24 CHAIRPERSON MULÉ: I just have a couple
25 questions.

1 And, again, I want to thank you for all of your
2 work, Barbara and Sophia. I'm seeing vast improvement in
3 this program. So I want to thank you for all of your hard
4 work, Jim, Lorraine, everybody. Good job.

5 I did have a question on the oversubscription of
6 this particular program. So one of the questions that I
7 have is because I think last year we also had -- we were
8 also oversubscribed.

9 So basically what I'm asking is, is how many
10 years have we been oversubscribed?

11 And then that follows on to another question that
12 really I have for you, Mark, and Tom is being that the
13 Board's priority -- one of our priorities -- is enhanced
14 enforcement. What can we do? There is an
15 oversubscription here. So what can we do in the future
16 when we're developing our future budgets to increase our
17 expenditure authority so that we can put more money into
18 this grant program, given the fact also that local
19 governments are having a hard time now with their own
20 budgets?

21 And so any assistance we can provide so that we
22 keep the level of enforcement to at least where it's at or
23 increase it I think would be greatly appreciated. So do
24 you want to --

25 DEPUTY DIRECTOR LEE: Mark, if I can maybe answer

1 and throw it over to you.

2 You know, with regards to the oversubscription,
3 this is kind of a recent situation. We were
4 oversubscribed last year by about 1.7 million. We were
5 oversubscribed this year by about 1.2 million. I think
6 the issue comes -- in a lot of the Board's other grant
7 programs, in the Tire Program when we were doing the
8 playground grants, for example, when you're
9 oversubscribed, it's because you've got an additional
10 jurisdiction that wants to come and build a playground
11 using waste tires.

12 When you're oversubscribed in this Enforcement
13 Grant Program, it's a reimbursement grant program.
14 They've got to get out and do the work before they can get
15 the money. And the problem is, you know, it looks very
16 attractive to them in the beginning to get a large grant
17 amount, but they're not getting out in the field to do the
18 work necessary to get the grants that are clearly
19 available for them to take.

20 And I continue to believe this is a factor of the
21 fact that, again, despite the fact the Board is paying for
22 these services, they still do not rank highly with their
23 other municipal priorities. I think what we're seeing a
24 little bit this year, even though we changed the
25 criteria -- the Board changed the criteria to make it more

1 attractive and we thought would cause them to utilize more
2 of the funds available, I think the overall economic
3 situation in the state is really impacting us in this year
4 as well.

5 Again, the Tire Program, a lot of people that do
6 the work are the same ones that are in the environmental
7 health department doing a number of other things. They're
8 looking at cutbacks. They're looking at higher municipal
9 priorities. The Tire Program, even though there's dollars
10 available, is not helping, because the staff they have
11 available they want to put to use in other areas. I think
12 that is a problem.

13 Mark.

14 EXECUTIVE DIRECTOR LEARY: If I understand you
15 right, Jim, it's a question of being oversubscribed but
16 rarely over-expended?

17 DEPUTY DIRECTOR LEE: Exactly. I would be first
18 to think that throwing additional bucks at this problem
19 would improve it. But I think there's many other factors
20 that are involved here.

21 DEPUTY DIRECTOR LEE: But to answer your question
22 directly, Chair Mulé, it's simply a matter of expending
23 our expenditure authority through the budget process.

24 So if we wanted to address this need and expand
25 our expenditure authority, we'd work within the Governor's

1 budget in its next cycle, which would be in preparation
2 for the release in January of the proposed 10-11 budget
3 and seek an expansion of our expenditure authority out of
4 the Tire Fund to allow for additional money to be made
5 available for these tire enforcement grants. And we
6 obviously would then be reviewed by the Legislature and
7 concurred in and ultimately signed by the Governor.

8 CHAIRPERSON MULÉ: Okay. Well, I just think we
9 should pursue it, because we have two years in a row that
10 we're oversubscribed. And I know once they get the money,
11 they don't always spend it. But I think it's like that
12 for many of our grant programs.

13 I just think that, again, if this is a Board
14 priority, enhanced enforcement, and we have the funds
15 available, I think we should pursue additional expenditure
16 authority for enforcement efforts.

17 COMMITTEE MEMBER BROWN: Does it need to be in
18 the Five-Year Tire Plan as well?

19 EXECUTIVE DIRECTOR LEARY: It would be.

20 COMMITTEE MEMBER BROWN: Review that in May.

21 EXECUTIVE DIRECTOR LEARY: Yeah.

22 CHAIRPERSON MULÉ: Sheila.

23 COMMITTEE MEMBER KUEHL: I guess I want to
24 understand a little further.

25 You indicated, Jim, this is a reimbursement

1 program. So does that mean then that every jurisdiction
2 must expend this money and then ask to have it replaced or
3 reimbursed?

4 DEPUTY DIRECTOR LEE: Yes.

5 COMMITTEE MEMBER KUEHL: So I can see why they
6 might not be using it all, because if you don't have the
7 money up front to expend, then you don't get reimbursed.
8 Is that too simplistic?

9 DEPUTY DIRECTOR LEE: Well, I think the other way
10 to look at it is we want to pay them for the work they're
11 doing. I think any other grant program, they do the work,
12 they get the payment. In this case, they're not doing the
13 work, while we've made it very clear there's money in the
14 bank to support their efforts.

15 COMMITTEE MEMBER KUEHL: Where was the decision
16 made that this is a reimbursement program? Is that
17 required by law or --

18 EXECUTIVE OFFICER LEARY: Yes. I don't know if
19 it's law or State Administrative Manual. I'm not sure
20 what the correct site is.

21 But this organization has gotten sideways through
22 audits of the organization when we tried to advance money.
23 The example I can think of was out of the oil program
24 advance money to the jurisdictions so they had the money
25 to spend. And that practice was found to be flawed

1 through an audit by the Department of Finance in years
2 past.

3 So I'm not aware of any program that we manage
4 that advances the money first and then allows the
5 jurisdiction or the grantee to draw the money down.

6 COMMITTEE MEMBER KUEHL: It seems to be
7 potentially a fundamental flaw for the programs in the
8 current economic downturn. I don't know whether -- I
9 mean, my town has -- Santa Monica has some good money.
10 But they have to figure, are we giving it to the schools
11 which are being cut to ribbons so we're going to put more
12 money into schools instead of this?

13 I don't know if we're sort of in the current
14 cycle if we're really kind of getting in our own way.

15 Perhaps we need -- and I don't know what this
16 would take. But perhaps we need a conversation with
17 Finance about this issue. Because if we're making grants
18 but we're holding them out here and we're making them in
19 the amount of money that we have, but nobody can get them
20 unless they expend their own money, it's kind of like
21 California's problem with drawing down federal money. You
22 know, if we don't have the matching grants, we don't get
23 it.

24 COMMITTEE MEMBER BROWN: Right.

25 COMMITTEE MEMBER KUEHL: So I'm not certain. I'm

1 not saying there's any fault in this structure with staff.
2 But maybe we need to see, because much of the money goes
3 unexpended at the end, is that the case? Because you said
4 the major problem was with under utilization of money.
5 And I wonder if the problem might not be nobody has the
6 bucks to put out to draw these down.

7 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR

8 STROUGH: I can respond to a little of that.

9 My experience, just for your information, is I've
10 spent more than 25 years managing federal and State grant
11 programs with the Office of Emergency Services as well as
12 auditing them with the State Controller's office.

13 Few grants I have ever worked on allow advances,
14 as Mr. Leary has said. The thing is, though, if the law
15 allows it, it certainly can be done.

16 I will say though that grantees have not said to
17 me that they're not spending money because they have to
18 first do it out of their own pocket and then ask for
19 reimbursement.

20 The program requires a midyear and a final
21 payment request from the grantee. It allows more frequent
22 requests. We have some grantees that do ask for quarterly
23 reimbursements because of their own financial cycles and
24 they need to get reimbursements on a more frequent basis.
25 So we do allow more frequent reimbursement requests, but

1 we require at least a mid-term and a final request.

2 COMMITTEE MEMBER KUEHL: So what you're hearing
3 from them about under utilization is not related to their
4 inability to put the money out, but rather...

5 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR
6 STROUGH: Rather than their ability just not to do the
7 work. That has been -- I've been in this program for a
8 little over a year. And the climate has changed obviously
9 in that year. So we may hear more during this next few
10 months that they might tell us, you know, we just can't
11 afford to front the money. We need you to either pay us
12 monthly or pay us a month in advance or something like
13 that.

14 But what I've heard as of now, that has not been
15 the reason why they haven't spent the money.

16 COMMITTEE MEMBER KUEHL: Thank you.

17 COMMITTEE MEMBER BROWN: That answers my
18 question, because I was concerned it was a cash flow issue
19 as well and what kind of efficiencies -- since we have
20 looked at all of our applications and reimbursements, did
21 they file online? How quickly do we reimburse?

22 That sounds like that may not be the issue. It
23 sounds like the issue is staff resources. They don't have
24 enough staff to do this grant plus the other duties.

25 COMMITTEE MEMBER KUEHL: It would be nice to know

1 how quickly we reimburse, because from the local
2 government's point of view, if they're saying you say you
3 reimburse me quickly, but you know, I'm still out a bunch
4 of money, it would be good for us to know.

5 But that's good information. Thank you.

6 CHAIRPERSON MULÉ: Thank you, Barbara.

7 John.

8 BOARD MEMBER LAIRD: I was going to ask one of
9 the things Sheila was talking about more directly, which
10 is do you know for a fact the reasons that they're not
11 fully expending the grants? I mean, not staffing up or in
12 a few cases maybe not reimbursed.

13 Are there other reasons that you believe that
14 grants aren't fully being expended?

15 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR
16 STROUGH: Well, I will tell you that we meet with our
17 grantees in twice a year round table meetings, as well as
18 we have initiated grant management workshops. So we are
19 meeting with our grantees on a regular basis to talk with
20 them as a group. And then we also talk with them
21 individually giving technical assistance as well as phone
22 calls and e-mails and things like that.

23 The reasons we've heard have been, as Jim was
24 saying, they have other work that their organization wants
25 them to do. We've heard from several grantees in this

1 economic cycle. They've had to lay people off, lose
2 positions, redirect positions to other activities. So I
3 cannot definitively tell you every single reason why every
4 single grantee has not spent the money. But those are the
5 typical things I'm hearing.

6 BOARD MEMBER LAIRD: If you look back -- just
7 pick a period. Say five years. Is it a rather standard
8 factor or increment that is not expended throughout the
9 entire program?

10 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR
11 STROUGH: Historically, I would say during the last five
12 years, expenditures have been approximately 55 to 65
13 percent of the award amounts. So it has rarely been
14 anything more than 65 percent over the last year cycles.

15 BOARD MEMBER LAIRD: And that leaps to the
16 questions if we're talking about shaving grants, because
17 there is a few more above the amount that's perceived to
18 be available, and yet people are only spending 55 to 60
19 percent of the total amount of the grants we're making,
20 isn't there some way we can make the full grants and
21 accept the fact that they're not going to be spent and
22 they'll still be within our budget?

23 Or is it that you have to go and encumber a full
24 amount of a contract in a way that legally you can't
25 encumber more than you appropriate, even though that

1 clearly is a game where we're not spending all the money
2 and we're shaving some money?

3 COMMITTEE MEMBER BROWN: You're the former Budget
4 Chair. You know how it works.

5 BOARD MEMBER LAIRD: I knew how it works, but I
6 also knew how to change it if I didn't like how it was
7 working.

8 COMMITTEE MEMBER BROWN: That was within your
9 previous authority.

10 WASTE TIRE ENFORCEMENT GRANT PROGRAM SUPERVISOR
11 STROUGH: There is one thing I would like to bring to the
12 Committee's attention as Jim referred to. The current
13 year cycle has new criteria. The criteria that was
14 approved and implemented with this year is that grantees
15 can now claim hourly staff rates based upon a board or
16 council approved amount.

17 So the history that we have of the previous
18 cycles and expenditures I cannot say that it will be
19 directly related to the expenditures that we'll see in
20 this cycle.

21 Currently, our grantees have only spent 30
22 percent of what they've been awarded for the current year
23 cycle. That doesn't mean they won't have some push effort
24 at the end of the year to try to get as many
25 reimbursements in at the end of the fiscal year as they

1 can.

2 So this year we do want to take a special look,
3 because they can claim a higher hourly rate, and they may
4 see more efforts in this program.

5 BOARD MEMBER LAIRD: But it seems to me if the
6 history is there is a significant amount left over and
7 it's a very small amount that we can't deal with to make
8 the full amount of the grant applications, and at the end
9 of the year we're not going to be expending the full
10 amount and we will have told people we don't have money
11 available for a certain piece of the grant, that doesn't
12 make sense. There has to be a bureaucratic way to work
13 through that so we can authorize everybody to do what
14 their best is.

15 And we still know there's going to be money left
16 over. It's just trying to -- you guys know the system
17 better than we do. The question is, within the system, is
18 there something you can recommend to us that would allow
19 us to do that?

20 Mark, when everybody points at each other, it
21 defaults to you.

22 EXECUTIVE DIRECTOR LEARY: Automatically.
23 Automatically.

24 And I can't help but suggest when you put the
25 words finding a bureaucratic way, you're kind of

1 contradicting terms there. You're trying to work
2 something out that makes sense logically, but you have the
3 bureaucracy in your way.

4 I had the same thought you did as you just walked
5 through that. And let us think about it.

6 I think though that the downside is my shallow
7 understanding of how the administrative stuff works is
8 that if you commit -- if you only have 6.75 million
9 available and you commit 9 million, anticipating there
10 will be a 50 percent reduction in expenditures, but for
11 some reason -- these are two or three year grant program?
12 No, just a single year. But you come to the end of the
13 year and suddenly they've expended at the greater rate,
14 you're in a world of hurt. And --

15 BOARD MEMBER LAIRD: I get that. It's just the
16 connection of all this was it was big amounts unexpended
17 and small amounts we couldn't reach. So even if people
18 expended at a 20 percent higher rate than the last five
19 years, we would still be within it if we did that extra
20 thing.

21 So I just accept at face value what you said that
22 you'll try to look at this and see if there is a way to
23 work through it.

24 And I would just offer one other comment. And
25 that is, in a prior life, I was a nonprofit executive

1 director that had a significant State grant as part of our
2 revenue. And because we were nonprofit, it's not like we
3 had a big margin, we had an advance system. But the
4 advance system that the State would offer is they would
5 send us one month's -- on July 1st. And then on August
6 1st, we would send in what our actual expenditures were in
7 July, and that's what they would reimburse us for August.
8 And it was a rolling thing. And then, in June, if there
9 was any money left over, they would subtract it from the
10 last reimbursement.

11 The State was never out money. We always had
12 operating capital in the right way. It was always tied to
13 actual expenditures. And it wasn't one of these
14 three-month or six-month things where a local government
15 would have to put out money.

16 So I understand if you're just doing quarterly
17 reimbursements now and you do a monthly system like that,
18 I just committed some a group of clerks to a tremendous
19 amount of additional work. But there are operating
20 systems like that. And if in your review, you determine
21 that truly is an obstacle to people doing work, it's
22 something that might be explored.

23 EXECUTIVE DIRECTOR LEARY: Understood. Thank
24 you.

25 CHAIRPERSON MULÉ: Sheila.

1 COMMITTEE MEMBER KUEHL: Well, I think there is
2 an additional thing, too, because I was an executive
3 director of a couple of nonprofits as well. And one of
4 the things we had to do was to be extremely agile about
5 making certain that what we wanted to do fit within the
6 description of what there was money available to do. So
7 we would often be changing the language in many of our
8 applications for funds. So suddenly we were doing the
9 things that money was available for.

10 And so it seems to me -- Jim, correct me if I'm
11 wrong -- but if we had the full amount of money, we
12 wouldn't have been balking at tasers and this kind of
13 equipment, et cetera. Because I can see local
14 jurisdictions going, they've got money. We need this
15 stuff for law enforcement. Let's see if we can get them
16 to pay for it. That's what I'd do.

17 DEPUTY DIRECTOR LEE: This is exactly one of my
18 concerns, Board Member Kuehl. And you talk about
19 advancing the money.

20 Remember, the grantee's participation in this
21 program is totally voluntary. It's not like on the solid
22 waste side where there is the statutory requirement they
23 participate. They're only with us because we pay them.

24 As I mentioned to you before, even though we pay
25 them, they've got other municipal priorities.

1 So I think we're trying to increase the overall
2 level of efficiency and accountability in the program. I
3 think advancing them money under the circumstances that
4 have been demonstrated in the past would not be prudent
5 fiscal decision making, even if it was permissible.

6 I think the good thing about this program again
7 is we pay them for what they actually accomplish, and the
8 money stays with us, as opposed to vice versa if we were
9 fighting them to get it back.

10 So I think the answer to this program is to get
11 the grantees to be more realistic about what they can
12 accomplish and then to bring those two numbers, the
13 expenditures -- the allocations and the expenditures
14 together.

15 COMMITTEE MEMBER KUEHL: Thank you.

16 CHAIRPERSON MULÉ: Any other questions?
17 Comments?

18 Again, I really do appreciate all the work that
19 you've put into this. And I will say I know that before
20 we revised the criteria in '07, I do remember there were
21 several applicants that were concerned about the limits
22 that were put on these grants. And I think that the Board
23 back in '07 did a pretty good job of expanding the
24 criteria for these grant programs.

25 And I think also we could just continue to get

1 the word out to some of these applicants that there is a
2 broader range of activities that are now covered under
3 this grant program, because I'm not sure that the word has
4 gotten out. Again, you've done a great job with the round
5 tables and some of these other workshops. But I think
6 there are a few stragglers out there that still aren't
7 there yet.

8 And last but not least, I'm so glad that San
9 Diego County is among the applicants. I'll have to give
10 Cheryl Peace a call, because I know she worked very hard
11 in getting them to apply.

12 So with that, do I have a motion?

13 COMMITTEE MEMBER BROWN: I move Resolution
14 2009-43.

15 COMMITTEE MEMBER KUEHL: Second.

16 CHAIRPERSON MULÉ: We have a motion by Margo
17 Brown and a second by Sheila Kuehl.

18 Donnell, call the roll.

19 EXECUTIVE ASSISTANT DUCLO: Brown?

20 COMMITTEE MEMBER BROWN: Aye.

21 EXECUTIVE ASSISTANT DUCLO: Kuehl?

22 COMMITTEE MEMBER KUEHL: Aye.

23 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

24 CHAIRPERSON MULÉ: Aye.

25 We will put that on fiscal consent for the full

1 Board.

2 Thank you again. Appreciate your time.

3 Let's move to Committee Agenda Item D, Board

4 Agenda Item 3. Howard.

5 PROGRAM DIRECTOR LEVENSON: Thank you, Madam

6 Chair.

7 For the record, I'm Howard Levenson, Director of
8 the Sustainability Program.

9 And this item concerns our findings and your
10 consideration of the 2005-2006 biennial review of the
11 source reduction and recycling element and the household
12 hazardous waste element for the city of Ukiah.

13 This item is part of the Board's ongoing biennial
14 review of how jurisdictions are doing in reaching their AB
15 939 diversion requirement. We're at 2005-2006 in part
16 because of all the time it takes to get information about
17 those programs from the annual reports, for cities to
18 estimate their diversion rates, and for us to verify them
19 giving the old adjustment factors and for us to evaluate
20 performance.

21 So the 2005-06 review took place primarily during
22 2008. I think the passage of SB 1016 last year is going
23 to speed this up some. Probably cut out quite a bit of
24 the time involved.

25 At any rate, in December, after we had perhaps

1 six months of very extensive internal reviews and multiple
2 site visits and discussions with all the jurisdictions in
3 the state, the Board found that over 350 jurisdictions
4 were above their 50 percent diversion requirement and they
5 had successfully implemented their diversion programs.

6 The Board also approved another 55 jurisdictions
7 as having exhibited a good faith effort. They were under
8 50 percent in terms of diversion estimates, but they still
9 had fully or adequately implemented their diversion
10 programs.

11 There were a handful of other jurisdictions,
12 including Ukiah, that were referred to our Jurisdiction
13 Compliance and Audit Section in the Waste Compliance and
14 Mitigation Program, Ted's shop. They were referred for
15 further analysis and to see whether they should be
16 considered for potential compliance action by the Board
17 either due to low diversion rates or our initial analysis
18 that they had not implemented their programs adequately.

19 You've seen some of the results of this. For
20 example, in the items last month, we had compliance orders
21 for Clearlake and Greenfield. This is a case where we
22 made the referral, and we got new information. So we're
23 coming back to you not with a Compliance Order request,
24 but rather with a request for your consideration of a good
25 faith effort.

1 I'm going to turn it over to Terry Brennan, who
2 is the Supervisor for the geographic region of the north
3 coast, to make the presentation.

4 CHAIRPERSON MULÉ: Thank you, Howard.

5 Good afternoon, Terry.

6 SUPERVISOR BRENNAN: Good afternoon. I don't see
7 a button to turn this on here.

8 Thank you for your patience.

9 Good afternoon, Committee members. My name is
10 Terry Brennan. I'm a Supervisor for one of the north
11 sections in the Local Assistance and Market Development
12 Division.

13 In 2005, the city of Ukiah petitioned for a time
14 extension in meeting the mandated 50 percent goal as
15 required by statute and is allowed by statute. This
16 extension was approved by the Board. As a part of the
17 time extension, the city of Ukiah was to implement
18 specific programs, including a construction and demolition
19 ordinance and some commercial recycling programs. This
20 subjected them to more specific program evaluation.

21 After an in-depth analysis in October of 2008 by
22 Local Assistance and Market Development Division staff,
23 staff determined that in addition to the diversion rate
24 being below 50 percent goal, Ukiah did not implement the
25 commercial programs in the construction and demolition

1 ordinance as directed in their time extension agreement.

2 City representatives and the hauler indicated
3 they intended to implement an aggressive C&D diversion
4 program and open a new diversion facility as an
5 alternative equally effective program. But this was not
6 completed prior to the staff initial review.

7 Because of this incomplete program
8 implementation, the city of Ukiah was referred to the
9 Jurisdiction Compliance and Audit Section for further
10 analysis to determine whether the city should be placed on
11 a Compliance Order.

12 Compliance staff independently inspected,
13 monitored, and verified all city program efforts. This
14 analysis and inspection included unannounced audits and
15 inspections of collection programs and diversion
16 facilities. Compliance staff determined that in the
17 interim period between the Assistance staff review and the
18 Compliance staff review and inspection, the city had fully
19 implemented all required programs and that the city's
20 current programs are being fully implemented.

21 These programs included sufficient
22 residential/commercial self-haul, public education, and
23 procurement programs in addition to the planned
24 construction and demolition diversion program and the new
25 recovery facility.

1 As a result of the city's new programs, the
2 preliminary review of the disposal reports indicate a
3 reduced disposal rate in 2008 by an average 300 tons per
4 month. Staff expect with the new C&D program that
5 disposal will continue to climb.

6 Compliance staff will also conduct another random
7 audit of the city's programs in 2009 to verify continued
8 efforts.

9 Although the city's diversion rates for 2005 and
10 2006 fall below the diversion goal of 50 percent, because
11 the city is fully implementing the diversion programs,
12 staff from both programs recommended good faith finding
13 effort for the 2005-2006 biennial review for the city of
14 Ukiah under the Board-approved Resolution 2009-34.

15 This concludes my presentation.

16 Representatives of the city as well as the
17 Jurisdiction Compliance and Audit Section are here to
18 answer any questions if you have them.

19 CHAIRPERSON MULÉ: Thank you, Terry.

20 Do we have any questions?

21 Sheila.

22 COMMITTEE MEMBER KUEHL: I'd like to -- what is
23 the C&D program?

24 SUPERVISOR BRENNAN: They put a new line in at
25 their -- actually, they implemented a new facility and

1 they put a line in to recover more construction and
2 demolition materials.

3 COMMITTEE MEMBER KUEHL: From the general waste
4 stream that would otherwise go to the landfill?

5 SUPERVISOR BRENNAN: That's the way I believe it
6 works.

7 COMMITTEE MEMBER KUEHL: So it all goes toward
8 the landfill, and then it's picked out on the line?

9 SUPERVISOR BRENNAN: Actually, that's a question
10 that might be better answered by the Jurisdiction
11 Compliance and Audit Section.

12 CHAIRPERSON MULÉ: Why don't you come up?

13 COMMITTEE MEMBER KUEHL: And find a mike that
14 works. Not that we don't welcome comment; we just turn
15 off all the public mikes apparently.

16 MR. KOUYOUMDJIAN: Good afternoon, Madam Chair.
17 My name is Raffy Kouyoumdjian with the Jurisdiction
18 Compliance and Audit Section.

19 The way it works is they put a new material
20 recovery facility, which is brand-new and started
21 operations on January 19th officially.

22 What they're doing now is the material's going to
23 their transfer station and they're scavenging it on the
24 floor. What they do is pull the materials, the high value
25 items, off. And in this case, it gets to a recycling

1 facility.

2 The rest of the stuff that can't be recycled goes
3 to the landfill. The material recovery facility takes
4 care of the other materials.

5 COMMITTEE MEMBER KUEHL: So the companies doing
6 demolition come directly to the new facility with --

7 MR. KOUYOUMDJIAN: No. They're going to the
8 transfer station. They dump on the floor. And the staff
9 at the transfer station scavenge.

10 COMMITTEE MEMBER BROWN: Even with the new MRF?

11 MR. KOUYOUMDJIAN: The new MRF is handling
12 cardboard, plastics, paper. They're not handling wood
13 waste.

14 CHAIRPERSON MULÉ: The C&D is a hand sort?

15 MR. KOUYOUMDJIAN: Hand sort.

16 SUPERVISOR BRENNAN: They were required to
17 improve commercial recycling as well.

18 CHAIRPERSON MULÉ: What's their diversion rate?
19 What's their diversion rate if they're hand sorting?

20 MR. KOUYOUMDJIAN: At the transfer station, it's
21 around 40 percent.

22 COMMITTEE MEMBER KUEHL: Is it commingled with
23 the other waste, or does it go directly there from
24 contractors, et cetera, right to the floor?

25 MR. KOUYOUMDJIAN: Self haul takes it to the

1 transfer station. It gets dumped on the floor. It gets
2 separated and then goes over to the MRF facility. The MRF
3 facility has the top grinder. They grind it down and chip
4 it.

5 And the way it's set up now is they have I think
6 two to three staff that are doing this. And they're on an
7 incentive program. The more they divert, the more they
8 get paid.

9 CHAIRPERSON MULÉ: Right.

10 MR. KOUYOUMDJIAN: And remember, this just
11 started. So the potential for them is to do better.

12 COMMITTEE MEMBER BROWN: So when was your site
13 visit? Have you seen them actually sorting on the tipping
14 floor?

15 MR. KOUYOUMDJIAN: Yes. We went out there about
16 three times. Visually saw them scavenging, yes.

17 COMMITTEE MEMBER BROWN: Give me a report. How
18 did they do?

19 MR. KOUYOUMDJIAN: They're doing it. They're
20 doing it real well.

21 COMMITTEE MEMBER BROWN: On a scale of one to
22 ten, are they doing two? Four? Are they doing eight?

23 SUPERVISOR SIMPSON: Frank Simpson with the --

24 COMMITTEE MEMBER BROWN: Give me a report. I
25 don't want a, yeah, they're doing it.

1 SUPERVISOR SIMPSON: We were up there on three
2 different occasions early in January. When the MRF first
3 came on line, we went up to make sure it was operating
4 well, they worked all the bugs out of that. We went up a
5 second time and we actually spent several hours watching
6 them sort, watching them pick. On a scale of one to ten,
7 I would say eight.

8 COMMITTEE MEMBER BROWN: Okay. Great.

9 SUPERVISOR SIMPSON: They're doing a very good
10 job at the transfer station, and they're doing an
11 extraordinary job up at the MRF. They have a very
12 aggressive recycling program.

13 COMMITTEE MEMBER KUEHL: And commercial waste as
14 well, you feel --

15 SUPERVISOR SIMPSON: Absolutely.

16 COMMITTEE MEMBER KUEHL: What was new about what
17 they implemented?

18 SUPERVISOR SIMPSON: The MRF is a brand-new MRF.
19 Besides the MRF, they have probably another five acres or
20 so where they actually collect asphalt shingles. They
21 select wood waste. They have a top grinder, as Raffy
22 said. They have some concrete and asphalt they've
23 recovered. And they have an extraordinary collection
24 system outside the MRF that works very, very well.

25 The hauler is a very aggressive hauler. He's

1 gone to extraordinary lengths to make sure that each house
2 has three brand-new automated carts. Out at the parks,
3 they have automated carts. When you go through town to do
4 an inspection, all you see is brand-new equipment all over
5 the place. So they are doing an extraordinary effort to
6 recycle.

7 COMMITTEE MEMBER KUEHL: So we got their
8 attention.

9 SUPERVISOR SIMPSON: Absolutely.

10 CHAIRPERSON MULÉ: Okay. Thank you.

11 Any other questions?

12 Do I have a motion?

13 COMMITTEE MEMBER BROWN: No questions. Just
14 thank you very much.

15 And was there somebody here from Ukiah?

16 SUPERVISOR BRENNAN: Yes. Rick Seanor is here
17 from the city of Ukiah.

18 COMMITTEE MEMBER BROWN: Nice job. It's nice to
19 see you stepping up and taking this seriously. You should
20 be commended.

21 CHAIRPERSON MULÉ: Thank you for being here.

22 COMMITTEE MEMBER KUEHL: Do you want to say
23 something to us since you made the drive? You don't have
24 to.

25 CHAIRPERSON MULÉ: I think he wants to.

1 Good afternoon. Place state your name for the
2 record.

3 MR. SEANOR: Good afternoon. I'm Rick Seanor,
4 Deputy Director of Public Works for city of Ukiah.

5 I just wanted to thank the Board for their
6 consideration of this item.

7 And as the gentlemen have said, our franchise
8 hauler has taken a very aggressive approach.

9 One thing I would just add. We've recently
10 within the last couple of years had a new franchise
11 contract. And this was some of the people in the last
12 contract take over the new contract. They've brought a
13 little bit different approach, and they're very
14 aggressive. We're very pleased with the scavenging
15 program on the transfer station tipping floor. It's
16 working very well.

17 BOARD MEMBER LAIRD: Can I ask a quick question?

18 CHAIRPERSON MULÉ: Sure.

19 BOARD MEMBER LAIRD: Is Phil Baldwin still on
20 your city council or mayor?

21 MR. SEANOR: He's mayor.

22 BOARD MEMBER LAIRD: Is that one of the reasons
23 they're finally aggressive?

24 MR. SEANOR: I can't answer that.

25 BOARD MEMBER LAIRD: That's great. Because now I

1 can tell him that people would refuse -- they would defend
2 him. So he'll be pleased to know that you did that.
3 Thank you.

4 CHAIRPERSON MULÉ: Great. Thank you.

5 Any other questions or comments?

6 Do we have a motion?

7 COMMITTEE MEMBER BROWN: Thank you for being
8 here. I think you've definitely earned the status giving
9 it a good faith effort.

10 So with that, I move Resolution 2009-34.

11 COMMITTEE MEMBER KUEHL: Second.

12 CHAIRPERSON MULÉ: It was moved by Margo Brown,
13 seconded by Sheila Kuehl.

14 Call the roll.

15 EXECUTIVE ASSISTANT DUCLO: Brown?

16 COMMITTEE MEMBER BROWN: Aye.

17 EXECUTIVE ASSISTANT DUCLO: Kuehl?

18 COMMITTEE MEMBER KUEHL: Aye.

19 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

20 CHAIRPERSON MULÉ: Aye.

21 We'll put that item on consent. Thank you.

22 Thank you, Frank and Raffy.

23 Thank for being here. Thank you for making the
24 drive.

25 Is there any public comment? With there being

1 none, the meeting is adjourned.

2 (Thereupon the California Integrated Waste

3 Management Permitting and Enforcement

4 Committee adjourned at 2:33 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 20th day March, 2008.

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